

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

KLOOSTERBOER INTERNATIONAL  
FORWARDING LLC and ALASKA REEFER  
MANAGEMENT LLC,

Plaintiffs,

Case No.: 3:21-cv-00198-SLG

vs.

UNITED STATES OF AMERICA, U.S.  
DEPARTMENT OF HOMELAND SECURITY, U.S.  
CUSTOMS AND BORDER PROTECTION, and TROY:  
A. MILLER, U.S. Customs and Border Protection  
Acting Commissioner, in his official capacity,

**DECLARATION OF GEORGE  
BAGGEN**

Defendants.

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am a U.S. citizen and the owner of Samson Tug & Barge Company, Inc. ("Samson"), a family-owned ocean transportation company headquartered in Sitka, Alaska. We have terminals located in Alaska at Unalaska / Dutch Harbor, Kodiak, Seward, Cordova, Valdez, Sitka, Juneau, Ketchikan, Petersburg, Wrangell, Thorne Bay and Metlakatla. We also receive and load cargo out of our facilities in Seattle, Washington.
2. I am currently the President and CEO of Samson.
3. Samson has been in business since 1937, providing ocean transportation services to and from Seattle and Alaska. Prior to operating our ocean service, my family operated a horse and cart operation in Juneau, Alaska, delivering cargo to and from the mines in Southeast Alaska. At that time, we operated under the business name Baggen Transfer.
4. Samson routinely transports equipment, supplies and other merchandise to towns and communities in Alaska in support of fishing activities. Not only do we routinely transport fish and fish products, we supply the communities that produce these fish products with the goods they need to live in their communities.
5. Samson currently operates a year-round biweekly freight service using tugs and barges registered with the U.S. Coast Guard, referred to as "U.S.-flag" vessels, manned by U.S.-citizen

crews. Samson vessels are all coastwise qualified and all have coastwise endorsements on their vessel documents, making them eligible to transport merchandise between two points in the United States

6. Samson is one of four Jones Act carriers serving Dutch Harbor, Alaska with qualified U.S.-flag vessels

7. Samson is a strong supporter of the Jones Act and believes that it should be enforced to achieve its intent of reserving U.S. domestic maritime trade for U.S. citizens owning and operating U.S.-flag vessels built in the United States with U.S. citizen crews.

8. Samson has a strong interest in adequate enforcement of the Jones Act, as evasion of the Jones Act reduces cargoes available to be shipped in compliance with the law and reserved for qualified U.S.-flag vessels, such as the ones Samson owns and operates.

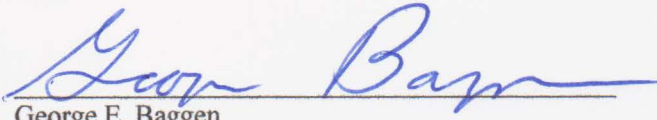
9. Samson is harmed when cargoes reserved for qualified U.S.-flag vessels by the Jones Act are diverted to foreign-flag vessels with foreign ownership and non-U.S. citizen crews operating in violation of the Jones Act.

10. Samson has been harmed over many years by the scheme to ship cargoes on foreign- flag vessels from Alaska to destinations in the United States, which is clearly transportation of merchandise encompassed by the Jones Act via use of a contrived Canadian rail apparatus, abuses of through shipment and storage in a foreign cold storage.

11. Cargoes shipped in violation of the Jones Act from Alaska to the lower 48 states which Samson and similarly situated carriers should have transported are not recoverable by Samson and other carriers which have been harmed by the loss of cargo.

12. Samson believes that there is currently more than adequate service between Alaska and the lower 48 states provided by qualified Jones Act carriers to transport all fish and fish products produced in Alaska.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

A handwritten signature in blue ink, appearing to read "George Baggen", is written over a horizontal line.

George E. Baggen

President

Samson Tug and Barge Co., Inc.

Dated: September 10, 2021